



# **LAWS OF ALASKA**

**2008**

**Source**  
CSHB 200(FIN)

**Chapter No.**  
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## **AN ACT**

Relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain fire fighters.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Relating to the presumption of coverage for a workers' compensation claim for disability as a  
2 result of certain diseases for certain fire fighters.

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4 \* **Section 1.** AS 23.30 is amended by adding a new section to read:

5       **Sec. 23.30.121. Presumption of coverage for disability from diseases for**  
6       **certain fire fighters.** (a) There is a presumption that a claim for compensation for  
7       disability as a result of the diseases described in (b) of this section for the occupations  
8       listed under (b) of this section is within the provisions of this chapter. This  
9       presumption of coverage may be rebutted by a preponderance of the evidence. The  
10      evidence may include the use of tobacco products, physical fitness and weight,  
11      lifestyle, hereditary factors, and exposure from other employment or nonemployment  
12      activities.

13               (b) For a fire fighter covered under AS 23.30.243,

14                   (1) there is a presumption that a claim for compensation for disability

1 as a result of the following diseases is within the provisions of this chapter:

2 (A) respiratory disease;

3 (B) cardiovascular events that are experienced within 72 hours  
4 after exposure to smoke, fumes, or toxic substances; and

5 (C) the following cancers:

6 (i) primary brain cancer;

7 (ii) malignant melanoma;

8 (iii) leukemia;

9 (iv) non-Hodgkin's lymphoma;

10 (v) bladder cancer;

11 (vi) ureter cancer;

12 (vii) kidney cancer; and

13 (viii) prostate cancer;

14 (2) notwithstanding AS 23.30.100(a), following termination of service,  
15 the presumption established in (1) of this subsection extends to the fire fighter for a  
16 period of three calendar months for each year of requisite service but may not extend  
17 more than 60 calendar months following the last date of employment;

18 (3) the presumption established in (1) of this subsection applies only to  
19 an active or former fire fighter who has a disease described in (1) of this subsection  
20 that develops or manifests itself after the fire fighter has served in the state for at least  
21 seven years and who

22 (A) was given a qualifying medical examination upon  
23 becoming a fire fighter that did not show evidence of the disease;

24 (B) was given an annual medical exam during each of the first  
25 seven years of employment that did not show evidence of the disease; and

26 (C) with regard to diseases described in (1)(C) of this  
27 subsection, demonstrates that, while in the course of employment as a fire  
28 fighter, the fire fighter was exposed to a known carcinogen, as defined by the  
29 International Agency for Research on Cancer or the National Toxicology  
30 Program, and the carcinogen is associated with a disabling cancer.

31 (c) The presumption set out in this section applies only to a fire fighter who, at

1 a minimum, holds a certificate as a Firefighter I by the Department of Public Safety  
2 under fire fighter testing and certification standards established by the department  
3 under authority of AS 18.70.350(1) or other applicable statutory authority.

4 (d) The provisions of (b)(1)(A) and (B) of this section do not apply to a fire  
5 fighter who develops a cardiovascular or lung condition and who has a history of  
6 tobacco product use as established under (e)(2) of this section.

7 (e) The department shall, by regulation, define

8 (1) for purposes of (b)(1) - (3) of this section, the type and extent of the  
9 medical examination that is needed to eliminate evidence of the disease in an active or  
10 former fire fighter; and

11 (2) for purposes of (d) of this section, the nature and quantity of a  
12 person's tobacco product use; the standards adopted under this paragraph shall use or  
13 be based on existing medical research.

14 (f) In this section, "fire fighter" has the meaning given in AS 09.65.295.

15 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 **APPLICABILITY.** The presumption of coverage established by this Act applies to  
18 claims made on or after the effective date of this Act, even if the exposure leading to the  
19 occupational disease occurred before the effective date of this Act.